



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: May 28, 2014

To: Thomas J. Bonfield, City Manager

Through: Steven L. Medlin, AICP, Planning Director

From: Karla A. Rosenberg, Planner

Subject: Response to Council Questions from Work Session regarding EAR

Summary. This memo responds to questions posed by Councilmember Catotti at the May 22, 2014 City Council work session regarding changes to the certain *Durham Comprehensive Plan* policies as proposed within the 2013 Evaluation and Assessment Report (EAR).

Recommendation. This memo is provided to assist the City Council in its review of the proposed policy text changes of the 2013 EAR.

Background. Councilmember Catotti requested a response to issues raised by Planning Commissioner Miller in his written comments regarding proposed policy changes in the 2013 EAR (see Attachment 1), particularly those addressing the removal of policies 3.6.3a and 3.6.3b, and the addition of policy 4.2.3b (see Attachment 2).

Issues. Clarifications on each proposed change addressed by Planning Commissioner Miller follows:

3.6.3a. Code Enforcement Abatement Team (CENAT). This policy will be replaced by a new policy, *Beautification and Safety Assessments*. This is due to the Neighborhood Improvement Services (NIS) Department's efforts to realign its staff resources to optimize efficiency and productivity, and will not result in a reduction in services. This change is in no way "a retreat from code enforcement in all neighborhoods or the involvement of neighborhoods in code enforcement issues with the NIS department", as characterized by Mr. Miller. In fact, the department's new Beautification and Safety Assessments more effectively engage residents than the former CENAT.

3.6.3b. Neighborhood Environmental Tracking. This policy will be replaced by a new policy, the *Mayor's Poverty Reduction Initiative*. This initiative provides a more detailed description of the coordination efforts that will take place with Solid Waste, Public Works, Community Development, and other City and County departments for the cleanup of materials and conditions having a detrimental impact on the built environment, focusing on areas identified through the Mayor's Poverty Reduction Initiative. In addition, the Mayor's Poverty Reduction Initiative reflects additional code enforcement efforts in a specified area.

3.7.1b. Housing Discrimination Testing. There has been no reduction in services. Housing discrimination testing is now conducted by a statewide organization, the North Carolina Fair Housing Project, and is found to be more effective at the statewide level. Referrals are made to the Human Relations Division of the Neighborhood Improvement Services Department on a case-by-case basis when discrimination is suspected. Grant funds are no longer available or

needed at the department level because these services are provided at the state level. The decision to test through the statewide agency was not made at the City level.

4.2.3b. Nonresidential Building Types. The Planning Department is proposing to adopt this policy in order to promote regulation of nonresidential building forms outside of the design districts. Multifamily buildings were not included in this policy as the Unified Development Ordinance (UDO) already has standards for these types of buildings, both in and out of design districts. It is staff's intention to revise the residential design standards of UDO Section 7.1, *Housing Types* in the future, as staffing permits, to include architectural standards aimed at improved design. In addition, staff is scheduled to work on a Design Districts Update text amendment in the coming fiscal year as part of the approved departmental work program. Through this project staff can explore the effectiveness of the existing building and frontage types as related to specific projects, and recommend modifications to the code if necessary. Finally, UDO regulations do not prevent the development of pocket neighborhoods in the Urban and Suburban Tiers. However, Design Districts, utilized in the Compact Neighborhood and Downtown Tiers, are focused on form-based and transit-oriented development principles. Many of the design characteristics typical of pocket neighborhoods are not consistent with the transit-oriented intent of Design Districts. While the Planning Department can investigate such an accommodation in the future, staff does not recommend a stand-alone policy directive on this matter.

Attachments.

Attachment 1, Planning Commission Written Comments to the EAR

Attachment 2, Proposed Comprehensive Plan Policy Text Changes (excerpt)

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